IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13273 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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VANDEVI COOP HOUSING SOCIETY

Versus

COMETENT AUTHORITY AND DY COLLECTOR ULC

Appearance:

1. Special Civil Application No. 13273 of 1993

MR PM BHATT for Petitioner No. 1-2

MS SD PANDIT ASSTT GOVERNMENT PLEADER for Respondent No. 1

NOTICE SERVED for Respondent No. 2

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 27/09/2001

ORAL JUDGEMENT

Heard Mr.P.M.Bhatt, learned advocate appearing on behalf of the petitioner and Ms.D.S.Pandit, learned AGP appearing on behalf of the respondents - State.

In the present petition, RULE has been issued by this Court and ad-interim relief in terms of Para-13[C] has been granted in favour of the petitioner on 23rd November, 1993. The ad-interim relief granted earlier was confirmed by this Court vide order dated 26th April, 1994.

In the present petition, the petitioner has challenged the order dated 13th November, 1992 which is at Annexure-D of this petition, passed by the authority under the Urban Land Ceiling and Regulation Act, 1976. Today when the matter is taken up for hearing, learned AGP Ms.Pandit appearing on behalf of the respondent authority has tendered a letter dated 15th December, 2000 issued from the office of the Additional Collector [Co-ordination] and Competent Authority, Urban Land Ceiling, Ahmedabad, which is taken on record. The aforesaid letter dated 15th December, 2000 is addressed to the learned AGP, wherein it is mentioned that the petitioner has challenged the order of State Government under Section 34 of the Act by way of present petition. The letter further suggests that land involved in the matter is declared excess land by the competent authority and order under Section 8[4] of the Act has been passed by the competent authority and beyond that no proceedings have been initiated by the competent authority. It is also made clear in the said latter that the possession of the disputed land in question has not taken over by the State Government. This statement in respect of the disputed land in question has been made by the competent authority in the letter dated 15th December, 2000 referred to above. Therefore, it is clear that the possession of the land in question held by the petitioner has not been disputed by the respondent authority.

In above view of the matter that the dispute involved in this petition is directly covered under the provisions of the Urban Land Ceiling Regulation [Repeal] Act, 1999 repealing the Urban Land Ceiling and Regulation Act, 1976 which is now adopted by the State Government by passing resolution dated 30th March, 1999 and therefore this petition is abated and consequently, the impugned order passed against the petitioner dated 13th November, 1992 also stands abated. Rule is made absolute accordingly. No order as to costs.

Date : 27-9-2001 [H.K.Rathod, J.]

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